

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO: City of Russell, et al., v. Abbott Laboratories, et al., 1:21-op-45094; City of Henderson, et al., v. Purdue Pharma L.P. et al., 1:20-op-45062; Hardin County Fiscal Court, et al., v. Purdue Pharma L.P., et al., 1:20-op-45063.

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**DISTRIBUTOR DEFENDANTS' AND JANSSEN DEFENDANTS' MOTION TO
CONFIRM RULE 41(A)(1)(a)(i) DISMISSALS**

Defendants AmerisourceBergen Drug Corporation, H.D. Smith, LLC, Cardinal Health, Inc., McKesson Corporation, and McKesson Medical-Surgical Inc., (collectively “Distributor Defendants”), Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc. (collectively “Janssen Defendants”) respectfully move this Court for an order confirming the dismissal with prejudice of all claims against the Distributor Defendants and the Janssen Defendants in the following cases: *City of Russell, et al., v. Abbott Laboratories, et al.*, 1:21-op-45094; *City of Henderson, et al., v. Purdue Pharma L.P. et al.*, 1:20-op-45062; *Hardin County Fiscal Court, et al., v. Purdue Pharma L.P., et al.*, 1:20-op-45063.

Each of these cases is brought on behalf of putative classes of Kentucky political subdivisions. All three complaints were filed in Kentucky state court, removed to the Eastern

District of Kentucky, and then transferred to the MDL. *See* February 5, 2020 Transfer Order, attached hereto as Exhibit A; August 10, 2021 Conditional Transfer Order, attached hereto as Exhibit B.

Plaintiffs in each of these cases have elected to participate in both the Distributor Settlement Agreement and the Janssen Settlement Agreement. *See* Settlement Participation Forms attached hereto as Exhibits C, D, and E. On March 10, 2022, Plaintiffs in the three cases that are the subject of this Motion each filed Rule 41(a)(1)(A)(i) Notices of Voluntary Dismissal with Prejudice as to the Distributor Defendants and the Janssen Defendants in the Eastern District of Kentucky, which are attached hereto as Exhibits F, G, and H. Then, on March 11, 2022, Plaintiffs filed “Notices of Filing” in this Court, informing Your Honor of the Rule 41(a)(1)(A)(i) Notices of Voluntary Dismissal that Plaintiffs filed in the Eastern District of Kentucky. *See* Exhibits I, J, and K. On March 16, 2022, Judge Van Tatenhove, “having reviewed the stipulation [of Dismissal] and ... being sufficiently advised,” entered three orders dismissing with prejudice all of Plaintiffs’ claims against the Distributor Defendants and the Janssen Defendants. *See* March 16, 2022 Orders attached hereto as Exhibits L, M, and N. However, because these cases have been transferred from the Eastern District of Kentucky to this Court, the effect of the dismissal orders entered by Judge Van Tatenhove could be called into question. In addition, although a Rule 41(a)(1)(A)(i) voluntary dismissal typically does not require a court order, the effect of the “notices of filing” that the plaintiffs filed in this Court could also be questioned.

For these reasons, Distributor Defendants and Janssen Defendants respectfully move this Court for an order confirming the dismissal with prejudice of all claims of each Plaintiff in *City of Russell, et al., v. Abbott Laboratories, et al.*, 1:21-op-45094, *City of Henderson, et al., v.*

Purdue Pharma L.P. et al., 1:20-op-45062; *Hardin County Fiscal Court, et al.*, v. *Purdue Pharma L.P., et al.*, 1:20-op-45063 against the Distributor Defendants and the Janssen Defendants, with each party to bear its own costs.

April 15, 2022

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